

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 995 – SB 1171

April 6, 2015

SUMMARY OF ORIGINAL BILL: Authorizes handgun carry permit-holders to carry handguns within any public park, natural area, historic park, nature trail, campground, forest, greenway, or waterway or other similar public place that is owned or operated by state or local government. Removes from statute provisions related to required signage indicating the penalty for the unlawful carrying of a handgun in such areas. Removes the authority of local governments to prohibit by resolution the possession of handguns by valid handgun carry permit holders in parks or recreational areas owned or operate by the local government. Removes from statute provisions related to the replacement of, or the changing of, existing signage indicating that firearms are prohibited.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures \$24,000/One-Time

SUMMARY OF AMENDMENTS (004275, 005732): Amendment 004275 deletes all language of the original bill; authorizes handgun carry permit-holders to carry handguns within any public park, natural area, historic park, nature trail, campground, forest, greenway, or waterway or other similar public place, including any buildings located within or on those areas, that is owned or operated by state or local government; removes from statute provisions related to required signage indicating the penalty for the unlawful carrying of a handgun in such areas; removes the authority of local governments to prohibit by resolution the possession of handguns by valid handgun carry permit holders in parks or recreational areas owned or operate by the local government; removes from statute provisions related to the replacement of, or the changing of, existing signage indicating that firearms are prohibited; prohibits the carrying of explosives, explosive weapons, permanently disabled firearms, hoax devices, imitation firearms machete, or swords openly within 150 feet of a school; creates a Class A misdemeanor for any such offense; prohibits any state department to change, remove, or replace signs as a result of this act prior to the time the signs are regularly scheduled to be changed, replaced, or removed, or are required to be changed, replaced, or removed by any other law, or due to destruction or theft; provided that the General Assembly may specifically provide funds for the purpose of removing or replacing signs in the general appropriations act.

Amendment 005732 adds language to the amended bill authorizing handgun carry permit holders to carry handguns on the grounds of the state capitol and the capitol complex.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

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Other Fiscal Impact – It is unclear which specific actions would immediately or eventually result from authorizing handguns to be carried in the state capitol or surrounding capitol complex. To the extent the Office of Legislative Administration decides to replace exiting signage there is a one-time increase in state expenditures estimated to be \$600 total for replacing signs in six locations. To the extent, the Department of Safety determines that additional security officers are required to secure the state capitol complex and/or verify the validity of handgun carry permits presented by future visitors to the state capitol there is a one-time increase in state expenditures estimated to be \$61,600 per officer and a recurring increase in state expenditures estimated to be \$81,700 per officer.

Assumptions for the bill as amended:

- Based on information provided by the County Officials Association of Tennessee, any impact to local government is estimated to be not significant.
- There will not be a sufficient number of Class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- The increase in state expenditures estimated for the original bill resulted from the Tennessee Department of Environment and Conservation's obligation to replace signs in certain public recreational areas regulated by the department; the prohibition of this sign removal and replacement specified in the amended bill (with 004275) removes this cost; therefore, the fiscal impact of the bill as amended by amendment 004275 is estimated to be not significant with regards to the signage in public recreational areas regulated by the Department of Environment and Conservation.
- Amendment 005732 amends Tenn. Code Ann. § 39-17-1359, by adding new language to the section authorizing handgun carry permit holders to carry handguns on the grounds of the state capitol and the capitol complex.
- Pursuant to Tenn. Code Ann. § 39-17-1359(a)(1), current provides that a state entity is authorized to prohibit the possession of weapons by any person who is on property owned by a state government entity. Additionally, Tenn. Code Ann. § 39-17-1359(a)(2) states that any prohibition in subdivision (a)(1) shall apply to any person authorized to carry a firearm by the authority of a handgun carry permit.
- Tenn. Code Ann. § 39-17-1359(b)(1) states that proper notice of the prohibition permitted by subsection (a) shall be accomplished by displaying one or both notices described in subdivision (b)(3) in prominent locations, including all entrances primarily used by persons entering the property, building or portion of the property or building where weapon possession is prohibited.
- The two notice options provided for in law are fully described across Tenn. Code Ann. § 39-17-1359(b)(3)(A), 39-17-1359(b)(3)(B), and 39-17-1359(b)(3)(C) and are essentially: 1) the international circle and slash symbolizing the prohibition of the item within the circle; or 2) AS AUTHORIZED BY T.C.A. § 39-17-1359, POSSESSION OF A WEAPON ON POSTED PROPERTY OR IN A POSTED BUILDING IS PROHIBITED AND IS A CRIMINAL OFFENSE or other substantially similar language.

- Under current law, the General Assembly has elected to prohibit weapons on the grounds of the state capitol and the capitol complex pursuant to Tenn. Code Ann. § 39-17-1359(a)(1), thus effectively making it illegal for a handgun carry permit holder to possess a firearm on the grounds of the state capitol and the capitol complex pursuant to (a)(2).
- Further, at present compliance with proper sign requirements is being accomplished pursuant to Tenn. Code Ann. § 39-17-1359(b) by posting both a sign with the international circle and slash symbolizing the prohibition of firearms within the circle, and a sign, with authorized wording, prohibiting weapons.
- Given that proper posting is accomplished by posting one of two signs, or both, and further given that the latter sign requirement pursuant to (b)(3) relative to the possession of weapons would remain valid under this bill as amended by amendment 005732, proper notice would be maintained by removing the current sign with the international circle. In addition, no section of state law requires this sign to be replaced. The state could elect to change the sign with the international circle, clarifying that firearms would be prohibited except for law enforcement and handgun carry permit holders; but there is no requirement for the state to do so.
- To the extent the Office of Legislative Administration (OLA) elects to post new signage in the state capitol and the capitol complex, the one-time increase in state expenditures would be \$600. Such estimate is based on information provided by the OLA, which reported six 12 x 24 signs at a cost of \$100 each.
- The Department of Safety has indicated any potential cost is difficult to quantify for several reasons, but most explicitly, uncertainty about which property might ultimately be determined to be included with a legal definition of the “surrounding capitol complex.” It is unclear whether or not enacting this law would eventually result in a heightened need for a security presence at the state capitol or surrounding capitol complex (currently provided by the Tennessee Highway Patrol). Or, if there would be a sufficient change in handgun carrying patterns of future visitors to the state capitol or surrounding capitol complex requiring security officers to verify that such visitors held a valid handgun carry permit.
- To the extent that the Department of Safety may eventually determine that additional Tennessee Highway Patrol officers would be required, each additional officer currently represents a cost of \$61,600 one-time (for initial training and equipment) and \$81,700 recurrent for salary, benefits, and other related costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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